

NAAQS for ozone was revised to 0.12 ppm and defined nonattainment by more than three exceedances in any consecutive three-year period.

On January 6, 1986, the ARB requested the NCCAB be redesignated from nonattainment to attainment for ozone. The ARB submitted sufficient data showing that the NAAQS for ozone has been attained for this area.

#### EPA Actions

The ARB request to redesignate the North Central Coast Air Basin for ozone satisfies EPA's criteria for a redesignation to attainment. There are four years of violation free ozone data and zero expected ozone exceedances (3 year average). In addition, an EPA approved control strategy has been implemented. This includes regulations for cutback asphalt, Stage I vapor recovery, architectural coatings, and the California motor vehicle emission control program.

EPA therefore concurs with the ARB request to redesignate the NCCAB to attainment for ozone.

#### Direct Final

EPA's approval of the above redesignation in California is being done without prior proposal because the redesignation is not controversial. The public should be advised that this approval action will be effective 60 days from the date this notice is published in the *Federal Register*. However, if notice is received by EPA within 30 days that someone wishes to submit adverse or critical comments, this approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

#### Regulatory Process

The Office of Management and Budget has exempted this action from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1), of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 3, 1986. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

Under 5 U.S.C. 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities [46 FR 8709].

#### List of Subjects in 40 CFR Part 81

Air pollution control, National Parks, Wilderness areas.

Dated: July 28, 1986.

Lee M. Thomas,  
Administrator.

#### PART 81—[AMENDED]

40 CFR Part 81 is amended as follows:

#### Subpart C—California Section 107 Attainment Status Designations

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. In § 81.305 the attainment status designation table for ozone is amended by revising the entry for the "North Central Coast Air Basin" to read as follows:

#### § 81.305 California.

CALIFORNIA—OZONE		
Designated area	Does not meet primary standards	Cannot be classified or better than national standards
North Central Air Basin:		
Monterey County.....		X
San Benito County.....		X
Santa Cruz County.....		X

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BILLING CODE 6560-50-M

#### 40 CFR Part 81

[EPA Docket No. 107PA-22, A-3-FRL-3058-9]

#### Designation of Areas for Air Quality Planning Purposes Approval of State Implementation Plan Revision and Section 107 Designation for the Commonwealth of Pennsylvania

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** EPA is approving a request from the Commonwealth of Pennsylvania to revise the attainment status designation of seven (7) counties from "Does not meet primary standards" (nonattainment) to "Better than national standards" (attainment) with respect to ozone.

Additionally, EPA will process under a separate rulemaking action a request

from the Commonwealth to revise the attainment status designation of twenty-five (25) areas in Pennsylvania with respect to Total Suspended Particulates (TSP) (Docket No. 107PA-20). EPA will also process under a separate rulemaking action a request from the Commonwealth to revise the attainment status designation of the Upper Beaver Valley Air Basin from "Cannot be classified" to "Better than national standards" with respect to sulfur dioxide (SO<sub>2</sub>) (Docket No. 107PA-21).

**EFFECTIVE DATE:** September 3, 1986.

#### FOR FURTHER INFORMATION CONTACT:

Donna Abrams (3AM11) at the EPA, Region III address above or call (215) 597-9134.

**ADDRESSES:** Copies of the revision and accompanying documents are available during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Management Division, 841 Chestnut Building, Eighth Floor, Philadelphia, PA 19107. Attn: Donna Abrams

Commonwealth of Pennsylvania, Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120. Attn: Gary Triplett

**SUPPLEMENTARY INFORMATION:** Under section 107(d) of the Clean Air Act (Act), the EPA Administrator has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for all areas within each state (see 43 FR 8962 (March, 1978)). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation.

#### Total Suspended Particulate Matter

The Pennsylvania Department of Environmental Resources (DER) has submitted to the U.S. Environmental Protection Agency (EPA), on July 27, 1984, a request to have the following areas redesignated on a county-by-county basis with respect to Total Suspended Particulates (TSP).

Coplay Borough (Boro), Whitehall Township (Twp.), Northampton Boro, Allen Twp., City of Monessen, Rostraver Twp., Aliquippa Boro, Baden Boro, and Midland Boro redesignated from "Does not meet primary standards" to "Better than national standards."

Pottstown Boro, South Coatesville Boro, City of Lancaster, Manheim Twp., remaining portions of the Lower Beaver Valley Air Basin, Wesleyville Boro and Lawrence Park Twp., redesignated from "Does not meet secondary standards" to "Better than national standards."



West Pottsgrove Twp., Upper Pottsgrove Twp., City of Coatesville, and Doylestown Twp., redesignated from "Cannot be classified" to "Better than national standards."

East Conemaugh Boro, Franklin Boro, Ellwood City Boro, City of Sharon and the City of Farrell redesignated from "Does not meet primary standards" to "Does not meet secondary standards."

On March 11, 1985, EPA proposed approval of the redesignation of these areas and, on August 9, 1985, these redesignations were forwarded to EPA Headquarters for final processing. In September 1985, EPA Headquarters clarified the existing policy on TSP redesignations. In accordance with this clarification, for nonattainment areas without final, fully federally approved TSP SIP revisions, EPA can only grant a redesignation to attainment if certain specific events are demonstrated for each area requested for redesignation. This information has not been provided for the above areas. EPA has requested the necessary additional information from the State. EPA will not take action on the State's TSP redesignation requests until the State responds to our request for additional information.

#### Sulfur Dioxide

On July 27, 1984, the Pennsylvania Department of Environmental Resources also submitted a request to have the Upper Beaver Valley Air Basin (the following political subdivisions in Lawrence County: Bessemer Boro, Ellport Boro, Ellwood City Boro, Enon Valley Boro, Little Beaver Twp., New Beaver Boro, City of New Castle, North Beaver Twp., Shenango Twp., South New Castle Boro, Taylor Twp., Wampum Boro, and Wayne Twp.) redesignated from "Cannot be classified" to "Better than national standards" for sulfur dioxide ( $\text{SO}_2$ ) on a county-by-county basis.

The only major source of  $\text{SO}_2$  in Lawrence County is the Pennsylvania Power Company's West Pittsburgh station. The Pennsylvania Power Company constructed a 750-foot stack in order to reduce the local impact of their emissions at ground level. Under federal regulations, only that portion of the stack height, termed the good engineering practice (GEP) height, can be allowed for use in compliance modeling. EPA determined this height to be 415 feet. The previous stack height (prior to construction of the "tall stack") was 230 feet. Also as part of the construction, Pennsylvania Power Company combined the flue gases from their other existing stacks into this one stack to install an electrostatic

precipitator to control the emissions of particulate matter into the environment.

On March 11, 1985, EPA proposed approval of the Commonwealth's request to redesignate the Upper Beaver Valley Air Basin From "Cannot be classified" to "Better than national standards" for  $\text{SO}_2$ . Subsequently, this redesignation request was processed for final action and forwarded to EPA Headquarters for review on August 9, 1985. Upon reviewing the Commonwealth's request to redesignate this air basin, it was noted that the State has not demonstrated that this  $\text{SO}_2$  redesignation action is consistent with the July 8, 1985, final stack height regulations (50 FR 27892).

On December 16, 1981, at 46 FR 61267, EPA approved relaxing  $\text{SO}_2$  SIP limits for Pennsylvania Power Company's West Pittsburgh Station. Because the plant merged gas streams to install TSP control equipment when it raised its stack back in the late 1970's, the enhanced plume rise may not be creditable to set the less stringent  $\text{SO}_2$  limit under the revised "tall stack" regulations. In order to process this redesignation request, the State must demonstrate that credit for enhanced dispersion due to the merging of the flues is not given in its SIP emission limit.

EPA has requested that the State make the above demonstration and, until this demonstration is made, EPA will not take action on this redesignation request.

#### Ozone

On July 27, 1984, the Pennsylvania Department of Environmental Resources submitted a request to have the following counties redesignated from "Does not meet primary standards" to "Better than national standards": Bedford, Blair, Cambria, Centre, Clearfield, Indiana, and Somerset.

When considering a redesignation request for ozone, a number of criteria must be considered. The most important is the National Ambient Air Quality Standard (NAAQS) for ozone which is specified in 40 CFR 50.9. The NAAQS for ozone is defined to be violated when the annual average expected number of daily exceedances of the standard (0.12 parts per million (ppm), 1-hour average) is greater than one (1). A daily exceedance occurs when the maximum hourly ozone concentration during a given day exceeds 0.124 ppm ("Guideline for the Interpretation of Ozone Air Quality Standard," EPA-450/4-79-003). The expected number of daily exceedances is calculated from the observed number of exceedances by making the assumption that non-

monitored days, which are days with invalid or incomplete data, have the same fraction of daily exceedances as those observed on monitored days (EPA-450/4-79-003).

Specified criteria for ozone redesignation reviews are given in a December 7, 1979, policy memorandum from Richard G. Rhoads, former Director of U.S. EPA's Control Programs Development Division, and an April 21, 1983, policy memorandum from Sheldon Meyers, Director, Office of Air Quality Planning and Standards. These memoranda indicate that the average number of expected exceedances for each monitoring site is to be based on ozone concentrations monitored in the most recent 3 years of data, if 3 years of data are available. In addition, evidence is required of an implemented control strategy which has been approved by EPA. In this case, the state has implemented areawide RACT regulations for Group I and II CTC sources which will remain in effect after the redesignation.

For a non-monitored area, EPA considers its proximity to major precursor source areas (generally major urban areas) and wind directions. Data from areawide ozone-precursor studies in the vicinities of major urban areas, such as St. Louis and Philadelphia, as well as data from rural monitoring sites in Region III, indicate that ozone transport, at significant levels, can occur over considerable distances downwind from urban areas. Based on these studies and data, and in the absence of any monitoring data, counties immediately downwind from major urban areas are generally assumed to be nonattainment.

Given the regional nature of ozone concentrations, as confirmed in the St. Louis and Philadelphia studies, it is reasonable to assume that non-monitored counties adjoining monitored nonattainment areas are, themselves, probable nonattainment areas. The probability of nonattainment is particularly high in those counties which are both immediately downwind of major urban areas and adjoining geographically similar monitored rural nonattainment areas.

Based on EPA's review of 1982-1984 ambient ozone monitoring data for Cambria and Blair Counties and on the proximity of Clearfield, Indiana and Somerset Counties to Cambria County and on the proximity of Bedford and Centre Counties to Blair County, EPA believes that these counties should be redesignated from "Does not meet primary standards" (nonattainment) to



"Better than national standards" (attainment).

EPA originally proposed disapproval for the redesignation of Blair, Bedford, and Centre counties to "unclassifiable/attainment" (50 FR 9694). However, based on its review of comments received from the Commonwealth of Pennsylvania, EPA has changed its position. A discussion of these comments and EPA's views on these comments follows.

#### Public Comments

In accordance with the redesignation criteria for ozone, on March 11, 1985, EPA proposed approval of four (4) counties with respect to ozone. Additionally, EPA proposed disapproval of the redesignation of three (3) counties in Pennsylvania with respect to ozone (Blair, Bedford, and Centre).

As a result of the notice of proposed rulemaking (50 FR 9694), the Commonwealth submitted comments on the proposed disapproval of the redesignation of Blair County and two (2) of its adjacent counties—Bedford and Centre. The Commonwealth pointed out that they had submitted the air quality data on daylight savings time as opposed to standard time. If the Commonwealth had reported the data on standard time, which is the way the EPA reports data, two (2) of the exceedances out of the four (4) recorded for Blair County would have occurred on the same day. Therefore, these two (2) exceedances should have been considered as one episode. Additionally, these exceedances occurred during the evening hours and, based on our knowledge of ozone formation, these results are anomalous. Hence, Blair County actually did not have more than one (1) exceedance of the ozone NAAQS per year, on the average, over the period 1982-1984 and consequently, should be redesignated attainment for ozone. Bedford and Centre counties were formerly designated nonattainment area because of their proximity to the then nonattainment area, Blair County. Bedford and Centre counties, being rural areas with no monitoring data, now adjacent to an attainment area (Blair County), should also be redesignated attainment for ozone. Therefore, EPA is now taking final approval action on redesignating all seven (7) areas to attainment.

The Commonwealth has agreed, in a letter dated July 30, 1985, to request a nonattainment designation for these counties if, at such time, Blair County is monitored nonattainment for ozone.

40 CFR Part 81 is being revised by

amending the chart, in § 81.339, for ozone.

#### Administrative Procedures

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by October 3, 1986. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2) of the Act).

#### List of Subjects in 40 CFR Part 81

Air pollution control, National Parks, Wilderness areas.

Dated: July 28, 1986.

Lee M. Thomas,  
Administrator.

#### PART 81—[AMENDED]

40 CFR Part 81 is amended as follows:

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. In § 81.339, Pennsylvania, the table entitled "Pennsylvania—Ozone (O<sub>3</sub>)" is amended by revising the following counties in entries IV, V and VI to read as follows:

#### § 81.339 Pennsylvania.

\* \* \* \* \*

#### Pennsylvania—Ozone (O<sub>3</sub>)

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
IV. Central Pennsylvania Intra-state AQCR:		
(A) Bedford County		X
(B) Blair County		X
(C) Cambria County		X
(D) Centre County		X
(E) Somerset County		X
V. Southwest Pennsylvania Intra-state AQCR:		
(G) Indiana County		X
VI. Northwest Pennsylvania Interstate AQCR:		
(C) Clearfield County		X

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#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Health Care Financing Administration

#### 42 CFR Part 405 and 482

[BERC-519-CN]

#### Medicare and Medicaid Programs; Conditions of Participation for Hospitals; Corrections

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of final rule.

**SUMMARY:** This document corrects technical errors that appeared in the final rule published in the *Federal Register* on June 17, 1986 (51 FR 22010) on conditions of participation for hospitals under the Medicare and Medicaid programs.

**FOR FURTHER INFORMATION CONTACT:** Stanley Rosenfeld, (301) 594-5675.

In FR Doc. 86-13171 beginning on page 22010 in the issue of June 17, 1986, the following changes are made to correct technical errors and to conform legal citations and cross-references to redesignated sections of the law or regulations:

#### A. On page 22040

1. The heading, "§§ 405.1501 and 405.1502 [Amended]" is changed to read "§§ 405.1501, 405.1502, and 405.1505 [Amended]".

2. Under the heading "§ 405.1501 and 405.1502 [Amended]", in lines 6 and 9, "and" is changed to "or".

3. Under the heading "§ 405.1901 [Amended]", in line 8, "481" is changed to "491".

#### B. On page 22041

Under the heading "§ 405.1913 [Amended]", in lines 3 and 4, "§ 405.1137(a)" is changed to "§ 405.1137(d)".

#### C. On page 22042

1. In the authority citation following the table of contents for part 482, in line 1, "1814(a)(7)" is changed to "1814(a)(6)"; in line 3, "1902(a)(30)" is inserted after "1886," and before "and"; in line 4, "1395f(a)(7)" is changed to "1395f(a)(6)"; and in line 6, "1396a(a)(30)," is inserted after "1395ww," and before "and".

2. Under § 482.12(a)(1), in line 3, "partitioners" is changed to "practitioners".



*D. On page 22045*

Under § 482.25(b)(9), in line 3, "pharmaceutical" is changed to "pharmaceuticals".

*E. On page 22046*

1. Under § 482.26(b)(1), in line 6, "or" is changed to "of".

2. Under § 482.27(a)(3)(iii)(A), in lines 2 and 3, "American Board of Dermatology or American Board of Pathology" is changed to "American Board of Dermatology, the American Osteopathic Board of Dermatology, the American Board of Pathology, or the American Osteopathic Board of Pathology". (The osteopathic boards were inadvertently omitted in regulation text. See explanation in preamble of document on page 22023.)

*F. On page 22050*

1. Under § 482.57(b)(2), line 6, a comma is added after "management".

2. Under § 482.60(a), line 3, "physician" is changed to "doctor of medicine or osteopathy". (This is a conforming change inadvertently omitted in the regulations text. See page 22012 or preamble to document for discussion.)

3. Under § 482.61(a)(4), line 6, "contracts" is changed to "contacts".

*G. On page 22051*

1. Under § 482.62(b)(2), line 5, the word "(physician)" is removed. (This is a conforming change inadvertently omitted in the regulation text. See page 22012 of preamble to document for discussion.)

2. Under § 482.62(g)(1), line 1, "to" is inserted after the word "appropriate".

3. Under § 482.66 introductory text, line 6, "\$ 405.120" is changed to "\$ 409.30".

Dated: July 25, 1986.

Wallace O. Keene,

Acting Deputy Assistant Secretary for  
Management Analysis and Systems.

[FR Doc. 86-17471 Filed 8-1-86; 8:45 am]

BILLING CODE 4120-01-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1801, 1804-1807, 1809,  
1813-1815, 1819, 1825, 1827, 1832,  
1836, 1837, 1839, 1842, 1845, 1847,  
1851, 1852, and 1853

[NASA FAR Supplement Directive 85-5]

### Miscellaneous Changes to NASA FAR Supplement

AGENCY: Office of Procurement,  
Procurement Policy Division, NASA.

#### ACTION: Final rule.

**SUMMARY:** This document amends the NASA Federal Acquisition Regulation Supplement (NFS) to reflect a number of miscellaneous changes implementing higher level issuances or dealing with NASA internal or administrative matters, including physical consolidation of long-standing regulations.

**EFFECTIVE DATE:** August 1, 1986.

#### FOR FURTHER INFORMATION CONTACT:

W.A. Greene, Procurement Policy Division (Code HP), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: (202) 453-2119.

#### SUPPLEMENTARY INFORMATION:

##### Background

The major changes involve: the numbering system for the NASA FAR Supplement; procedures for selecting and appointing contracting officers; a discussion of contract effective dates; assignment of responsibility for internal reports; authorization of simplified closeout for small purchases; use of class justifications; identification of additional sources for locating potential contractors; implementation of FAR requirements for obtaining information on ordering economic quantities; delegations of authority related to qualified products; a \$300 limitation on use of imprest funds; implementation of the FAR contract order of precedence change; clarification of a current solicitation requirement regarding contract property; a discussion of the FAR requirements for synopsisizing unsolicited proposals; reiteration of long-standing NASA policy on use of Source Evaluation Board procedures; procedures for duty-free entry of space articles; clarification of the applicability of patent clauses to domestic contractors and specification of invention and reporting rights for foreign contracting; consolidation and restatement of existing guidance and policy on disputes under contracts awarded prior to March 1979 and public inspection of files; information to be included by NASA in the register of ocean shipments; and purchase of airline tickets by certain contractors at vendors other than SATO's.

##### Impact

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. All regulations in NFSD 85-5 fall in the exempted category. These regulations deal with internal NASA policies and

procedures. Therefore, NASA certifies that this regulation will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The regulations impose no burdens on the public within the ambit of the Paperwork Reduction Work Act, as implemented at 5 CFR 1320.

List of Subjects in 48 CFR Parts 1801, 1804-1807, 1809, 1813-1815, 1819, 1825, 1827, 1832, 1836, 1837, 1839, 1842, 1845, 1847, 1851, 1852, and 1853

Government procurement.

S. J. Evans,

Assistant Administrator for Procurement.

1. The authority citation for 48 CFR Parts 1801, 1804 through 1807, 1809, 1813 through 1815, 1819, 1825, 1827, 1832, 1836, 1837, 1839, 1842, 1845, 1847, 1851, 1852, and 1853 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

### PART 1801—FEDERAL ACQUISITION REGULATIONS SYSTEM

2. The heading for Part 1801 is revised to read as set forth above.

3. Subpart 1801.1 is amended by revising 1801.104-370 to read as follows:

#### 1801.104-370 Dissemination of this Regulation, revisions and procurement notices.

(a) The NASA FAR Supplement NASA FAR Supplement Directives (NFSD's) and Procurement Notices (PN's) (see 1801.270), will be distributed directly to NASA Headquarters and to installation distribution points. The number of copies of the regulations, and revisions thereto, will be distributed on the basis of the requirements furnished by each Headquarters office and NASA field installation to the Office of Procurement, NASA Headquarters (Code HP). Material which revises this Regulation will be published in the Federal Register, as required by statute.

(b) Heads of field installations will ensure that copies of the NASA FAR Supplement, revisions thereto, and PN's are promptly distributed to all interested activities and individuals within their installation. Code HP is responsible for distribution within Headquarters and for monitoring bulk distribution to installations.

(c) Subscriptions to the NASA FAR Supplement, including applicable NFSD's, may be purchased by private concerns and individuals from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.